

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DOC #: _____ |
| DATE FILED: 4/22/2021 |

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 ABBEY HOTEL ACQUISITION, LLC, SETAI :
 HOTEL ACQUISITION, LLC, SETAI RESORT :
 AND RESIDENCE CONDOMINIUM :
 ASSOCIATION, INC, and SETAI VALET :
 SERVICES, LLC, : 21-CV-3506 (VEC)
 Plaintiffs, :
 -against- : ORDER
 :
 NATIONAL SURETY CORPORATION, :
 :
 Defendant. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on April 20, 2021, Defendant filed a Notice of Removal in this action (Dkt. 1);

WHEREAS Defendant appended to its Notice of Removal an Affidavit of Service, which demonstrates that Plaintiffs served Defendant by filing the summons and the complaint with the New York State Department of Financial Services on February 5, 2021 (Dkt. 1, Ex. B);

WHEREAS Defendant, through counsel, contends that, despite Plaintiffs' service of the summons and complaint on the Department of Financial Services on February 5, 2021, Defendant never received those documents; and

WHEREAS Defendant alleges that it did not receive a copy of the complaint until April 19, 2021, resulting in its removal being timely pursuant to 28 U.S.C. § 1446;

IT IS HEREBY ORDERED that not later than **May 4, 2021**, Defendant's counsel must file a signed affidavit from one of Defendant's corporate executives attesting that no representative of Defendant's ever received the summons or complaint as a result of Plaintiffs'

service on the New York State Department of Financial Services on February 5, 2021, and that no representative of Defendant otherwise received the complaint before April 19, 2021.

SO ORDERED.

Date: April 22, 2021
New York, New York



VALERIE CAPRONI
United States District Judge